



1 any administrative claim. The Court agreed to give Baron & Budd  
2 instructions on what additional information was required and to  
3 permit it to supplement its application. These instructions are  
4 set forth below.

5 In the body of the application, Baron and Budd identifies five  
6 critical contributions to the case: (1) objections to the  
7 disclosure statement based on problems with the plan, (2)  
8 objections to the plan based on its classification and treatment  
9 of the claims; (3) objections to the lack of adequate information  
10 in the disclosure statement, (4) objections to the proposed notice  
11 of the disclosure statement and plan, and (5) objections to the  
12 proposed form of the ballot. The discussion of the contribution  
13 made in each of these categories is extremely brief. Instead of  
14 explaining the contribution made more fully, Baron & Budd relies  
15 on the Court's memory and refers the Court to the documents filed  
16 and the revisions subsequently made. In addition, Baron & Budd  
17 does not specify the hours spent and fees and expenses requested  
18 with respect to each category. This approach places an  
19 unreasonable burden on the Court. Baron & Budd is directed to  
20 supplement the application to explain the contribution made in  
21 each category in more detail and to specify the time and charges  
22 related to each category.

23 Two declarations were filed in support of the application:  
24 i.e., the declaration of Sander L. Esserman, a shareholder in the  
25 Law Firm of Stutzman, Bromberg, Esserman & Plifka, P.C. and the  
26 declaration of Michael D. Cooper, a partner in the Law Firm of

1 Wendel, Rosen, Black & Dean LLP. Both declarations authenticate  
2 attached time sheets describing the work done for which fees and  
3 expenses are requested.

4 Both sets of time sheets are insufficient to some extent.

5 Although the time sheets need not comply strictly with the  
6 Court's guidelines for court appointed counsel, they do need to be  
7 organized in such a fashion and include sufficient detail to  
8 permit a meaningful review. The first problem with both sets of  
9 time sheets is that the time entries are not segregated by  
10 category. If the Court concludes that some categories made a  
11 substantial contribution and that others did not, it will only  
12 wish to review the time entries relating to the contributing  
13 categories. The applicants are in a better position than the  
14 Court to determine which time entries belong in which categories.  
15 Thus, the time entries should be broken down by categories.

16 The time entries list the professional (or paraprofessional)  
17 who performed the services and his or her hourly rate. However,  
18 they do not indicate the capacity of the individual--i.e.,  
19 partner, associate, paralegal--or his or her years of experience.  
20 This information should be provided. The Court has a sense of the  
21 experience level of the principal attorneys at both law firms.  
22 However, other professionals also performed services. The Court  
23 has little or no specific recollection of these other individuals.

24 Finally, the Futures Representative objected to, among other  
25 things, the redaction of the names of the individual communicated  
26 with and the subject matter of the communication in certain of the

1 time entries. The Stutzman Firm indicated that the redactions had  
2 been made to protect its attorney-client privilege. The Court is  
3 somewhat puzzled by this concern since court appointed counsel are  
4 routinely required to include this information in their fee  
5 applications and have never been considered to have waived their  
6 attorney-client privilege by doing so. Nevertheless, the Court is  
7 willing to permit applicants to provide the Court with unredacted  
8 time sheets in camera with the time entries broken down into  
9 categories. A copy of the unredacted time sheets must be provided  
10 to the Futures Representative who shall be required to keep these  
11 documents confidential except to the extent necessary to make any  
12 further objections to the application. Compliance with this  
13 requirement shall not result in the waiver of applicants'  
14 attorney-client privilege.

15 Based on the foregoing, it is hereby

16 ORDERED that:

17 1. Baron & Budd file a supplement to its application and  
18 shall provide the Court and the Futures Representative with  
19 unredacted time sheets, organized by category, by November 19,  
20 2004.

21 2. The Futures Representative file any further opposition to  
22 the application by December 3, 2004.

23 3. Baron & Budd file a reply to any opposition filed by the  
24 Futures Representative by December 10, 2004.

25 END OF ORDER  
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